

FILED

December 20, 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BY: AD
DEPUTY

**UNITED STATES OF AMERICA
Plaintiff**

v

**(5) KENNY CANO GUZMAN
Defendant**

CRIMINAL NO.: 1:22-CR-00122-LY

MOTION FOR DETENTION OF DEFENDANT

The government seeks pretrial detention under Title 18, United States Code, Section 3142, et seq., and would show the Court the following:

1. The pending case involves:

- ☐ (a) A crime of violence; 18 U.S.C. § 3142(f)(1)(A).
- ☒ (b) An offense for which the maximum sentence is life imprisonment or death; 18 U.S.C. § 3142(f)(1)(B).
- ☒ (c) An offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act or the Maritime Drug Law Enforcement Act; 18 U.S.C. § 3142(f)(1)(C).
- ☐ (d) A felony committed after the Defendant had been convicted of two or more prior offenses described in Title 18, United States Code, Section 3142(f)(1)(A)-(C) or comparable state or local offenses.
- ☒ (e) A felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device or any other dangerous weapon or involves the failure to register under section 2250 of title 18, United States Code; 18 U.S.C. § 3142(f)(1)(E).
- ☒ (f) A serious risk that the Defendant will flee; 18 U.S.C. § 3142(f)(2)(A).

- ☐ (g) A serious risk that the person will obstruct or attempt to obstruct justice, or attempt to threaten, injure or intimidate a prospective witness or juror; 18 U.S.C. § 3142(f)(2)(B).
 - ☐ (h) An offense committed by the Defendant while released pending trial or sentence, or while on probation or parole and the person may flee and/or poses a danger to another person and/or the community requiring an initial 10-day detention pursuant to 18 U.S.C. § 3142(d).
 - ☐ (i) An offense committed by the above named defendant who is not a citizen of the United States or lawfully admitted for permanent residence and the person may flee requiring an initial 10 day detention under the provisions of 18 U.S.C. § 3142(d).
2. No condition or combination of conditions will:
- ☒ (a) Reasonably assure the appearance of the person as required.
 - ☒ (b) Reasonably assure the safety of the community or any other person.
3. The United States may advocate additional reasons for detention other than those indicated above as the investigation proceeds and new information becomes available.
4. Pursuant to 18 U.S.C. § 3142(f) the United States moves that the detention hearing be continued for **THREE (3)** days so that the United States can prepare for said hearing.
5. The Government requests that the Defendant be held without bond.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

By: /s/ Mark H. Marshall
MARK H. MARSHALL
Assistant U. S. Attorney
903 San Jacinto Blvd., Suite 334
Austin, Texas 78701
Office (512) 916-5858
Fax (512) 916 5854